

TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

H.B. 3078 S. Thompson (Schwertner) — Sunset Bill

H.B. 2561 S. Thompson (V. Taylor) — Prescription Monitoring Program

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Abolish and Transfer

- Abolish the Texas State Board of Podiatric Medical Examiners on September 1, 2017 and transfer all its functions and activities to the Texas Department of Licensing and Regulation (TDLR).
- Reconstitute the current board as a governor-appointed advisory board responsible for the development of all practice-related rules for approval by the TDLR commission.
- Update the standard across-the-board requirement related to board member training for the advisory board.
- Subject the regulation of podiatry to Sunset review at the same time as TDLR. Change the TDLR Sunset date from September 1, 2019 to September 1, 2021, to allow for the completion of the transfer prior to the review.

Prescription Monitoring Program

- Beginning September 1, 2019, require podiatrists to check the Prescription Monitoring Program database before prescribing certain controlled substances, with certain exemptions. (H.B. 2561)
- Require the podiatry board to develop guidelines for responsible prescribing of certain controlled substances and to monitor prescribing patterns of licensees, and allow the agency to open investigations based on information obtained from the Prescription Monitoring Program. (H.B. 2561)
- Require the agency to provide licensee information to the pharmacy board, and require the pharmacy board to use this information to automatically register practitioners to use the Prescription Monitoring Program. (H.B. 2561)

Licensing

- Require the agency to conduct fingerprint-based criminal background checks of licensure applicants and licensees to ensure effective monitoring of licensees for criminal conduct and take disciplinary action when warranted.
- Remove the unnecessary notarization requirement for individuals applying for licensure, an obstacle to putting applications online.

- Remove subjective licensure qualifications that could unreasonably restrict entry into practice.
- Remove the statutory limitation currently restricting the agency's authority to lower fees.
- Authorize the agency to provide biennial license renewal.
- Direct the agency to accept all license and registration applications, renewals, and fee payments online. (Management action – nonstatutory)
- Direct the agency to administer the Texas podiatric jurisprudence exam online. (Management action – nonstatutory)

Enforcement

- Require the agency to establish written policies to guide the prioritization of complaints to ensure the agency uses its resources to address complaints in order of importance.
- Require the agency to adopt penalty amounts in rule for the categories in its penalty schedule to guide consistent application of penalties.
- Prohibit the agency from accepting anonymous complaints.
- Require the agency to notify a licensee who is the subject of a complaint only about the nature of the complaint to protect the identity of the complainant.
- Direct the agency to maintain complainants' confidentiality when possible. (Management action – nonstatutory)
- Direct the board to eliminate the rule allowing the use of notarized complaints to remove a barrier to filing a complaint. (Management action – nonstatutory)
- Direct the agency to establish a schedule for conducting each phase of the complaint resolution process to resolve complaints more quickly and help reduce complaint backlogs. (Management action – nonstatutory)
- Eliminate the use of the Texas Podiatric Medical Association's peer review process for resolving minor jurisdictional complaints to bring the agency in line with standard licensing practices. (Management action – nonstatutory)
- Direct the agency to prohibit a board member who investigates a complaint from participating in any resulting disciplinary proceeding, including an informal settlement conference, to promote impartiality and a fair enforcement process. (Management action – nonstatutory)
- Direct the agency to incorporate the State Office of Administrative Hearings into its complaint resolution process when needed to enhance due process in the agency's disciplinary proceedings. (Management action – nonstatutory)